

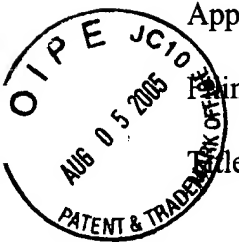
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Focke et al. Examiner: Christopher A. Fiorilla

Application Number: 09/598,995 Group Art Unit: 1734

Filing Date: June 21, 2000

Title: PROCESS AND APPARATUS FOR
PRODUCING AND/OR PACKAGING CIGARETTES

STATEMENT OF FILING BY EXPRESS MAIL 37 C.F.R. SECTION 1.10

This correspondence is being deposited with the United States Postal Service on August 5, 2005 in an envelope as "Express Mail Post Office to Addressee" Mail Label Number ER 843 204 759 US addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

INFORMATION DISCLOSURE STATEMENT

This Information Disclosure Statement (hereinafter sometimes referred to as "IDS") is submitted in accordance with 37 C.F.R. §§1.97 and 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. § 1.97, as it is filed:

(Check one of the boxes opposite A-D)

☐ A. within three months of the filing date of the above-identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in the above-identified international application.

☒ B. before the mailing date of a first office action on the merits or before the mailing date of a first office action after the filing of a request for continued examination (RCE) under 37 C.F.R. § 1.114.

☐ C. after the times set forth in (A) and (B) above, but before the mailing date of either a final action under 37 C.F.R. § 1.113 or a notice of allowance under 37 C.F.R. § 1.311, and the necessary statement pursuant to 37 C.F.R. § 1.97(e) appears below (see box "i") or the necessary fee is enclosed (see box "ii" below).

(check one of the boxes opposite "i" or "ii" below)

☐ i. (check the applicable statement)

☐ I, the undersigned, hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

☐ I, the undersigned, hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

☐ ii. A check for the fee set forth in 37 C.F.R. §1.17(p), presently believed to be \$ 180.00, is enclosed.

☐ D. after the times set forth in (A), (B), and (C) above, but before payment of the issue fee, since Applicant petitions for the consideration of this Information Disclosure Statement by a petition enclosed herewith pursuant to 37 C.F.R. §1.97(d)(2), a check for the petition fee set forth in 37 C.F.R. §1.17(i), presently believed to be \$ 130.00, is enclosed, and the necessary statement pursuant to 37 C.F.R. §1.97(e) appears below: (check the applicable statement)

☐ I, the undersigned, hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

☐ I, the undersigned, hereby state that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

2. In accordance with 37 C.F.R. §1.98(a)(1), this IDS includes a list on form PTO-1449 of all patents, publications, or other information submitted for consideration by the Office, incorporated into this IDS as an attachment hereto. Pursuant to 37 C.F.R. §1.98(b): (i) each U.S. patent listed is identified by patentee, patent number, and issue date; (ii) each foreign patent or published foreign patent application is identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application; and (iii) each publication is identified by author (if any), title, relevant pages of the publication, date, and place of publication. A legible copy of each document listed is attached and incorporated into this IDS, except that no copy of any U.S. patent application is included pursuant to 37 C.F.R. §1.98(a)(2)(iii) and except as explained below. (check the boxes opposite A and/or B and fill in blanks, if appropriate)

☒ A. Documents CN1199007, US4055192, and EP0876855, referenced in an office action in CN1278507 and in remarks concerning the patentability of EP 00112459.3, respectively, are substantively cumulative to documents US4055192 and DE19719198.3, respectively, previously cited by the applicant, and, in accordance with 37 C.F.R. §1.98(c), no copies these documents are attached.

☐ B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon for an earlier filing date under 35 U.S.C. §120:

[insert application numbers and filing dates of prior applications]

These documents are identified by attaching hereto copies of the forms PTO-892 and/or PTO-1449 from the files of the prior application(s) and Applicant requests that they be considered and made of record in this application in accordance with 37 C.F.R. §1.98(d). Pursuant to 37 C.F.R. §1.98(d), copies of these documents need not be provided with this IDS. (check paragraphs

3 and/or 4, if applicable).

☒ 3. Document corresponding to an office action in CN1278507 is not in the English language. In accordance with 37 C.F.R. §§1.98(a)(3), 1.98(c), it is stated that: (check the applicable statement(s))

☐ English translation(s) of the document(s) _____ (or of the pertinent portions thereof) is (are) enclosed and, thus no concise explanation of their relevance is required, (see M.P.E.P., §609, p. 600-92).

☒ English-language equivalent(s) of the document(s) corresponding to an office action in CN1278507 (or of the pertinent portions thereof) which is (are) in fact translation(s) of the document(s) is (are) enclosed.

☐ The attached English-language version of a search report or other action by a foreign patent office in a counterpart foreign application which cites document(s) ___ and which indicates the degree of relevance found by the foreign office is submitted to satisfy the requirement for a concise explanation of the relevance of the document(s), (see M.P.E.P., §609, p. 600-93).

☒ A concise explanation of the relevance of document(s) _____ is set forth as follows:

a. The office action in CN1278507, the published application of Chinese application number CN20000118671, filed June 21, 2000, claims priority to the priority application of the present U.S. application; that is, DE1991028360, filed June 21, 1999.

Accordingly, CN1278507 corresponds to the present U.S. application, and so the office action and art cited therein are pertinent to the present U.S. application.

b. The remarks concerning the patentability of EP 00112459.3, published as EP 1052883 A1, are pertinent since EP 1052883 A1 claims priority to the priority application of the present U.S. application; that is, DE1991028360, filed June 21, 1999.

Accordingly, EP 00112459.3 corresponds to the present U.S. application, and so the remarks concerning patentability and art cited therein are pertinent to the present U.S. application.

☐ A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.

☐ A concise explanation of the relevance of document(s) _____ can be found on the attached sheet.

☐ 4. Other information being provided for the Examiner's consideration follows:

[insert other information]

5. In accordance with 37 C.F.R. §§1.97(g), 1.97(h), the filing of this IDS shall not be construed as a representation that a search has been made or as an admission that information cited in this IDS is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

6. Please charge any deficiency or other fees or credit any refund or overpayment to Deposit Account No. 01-0035.

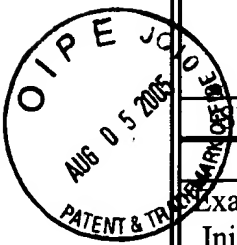
Respectfully submitted,



Anthony J. Natoli
Registration number 36,223
Attorney for applicants

Date: August 5, 2005

ABELMAN, FRAYNE & SCHWAB
666 Third Ave., 10th Floor
New York, NY 10017-5621
(212) 949-9022



Form PTO-1449		PTO/SB/08A		Application Number		09/598,995	
LIST OF ITEMS OF INFORMATION CITED BY APPLICANT (accompanying Information Disclosure Statement and copies of items, if required)				Filing Date		06/21/2000	
				First Named Inventor		Focke	
				Art Unit		1731	
				Examiner Name		Fiorilla	
Sheet	1	of	1	Attorney Docket Number		204,651	
U.S. PATENT DOCUMENTS							
Examiner Initials*	Document Number listing Number and Kind Code (if known)		Publication Date MM-DD-YYYY		Patentee or Applicant of Cited U.S. Document		Pages, Columns, or Lines, Where Relevant Passages or Figures Appear
	US 3,955,584		05-11-1976		Molins et al.		Cited in a corresponding CN application
FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Document Number listing Country Code, Number, and Kind Code (if known)	Publication Date MM-DD-YYYY	Document in English ?		Pages, Columns, or Lines, Where Relevant Passages or Figures Appear		
			Yes	No			
	CN 1145755	03-26-1997	Abstract Only	✓	Cited in a corresponding CN application		
NON-PATENT LITERATURE DOCUMENTS							
Examiner Initials*	Name of the author (if known) in capital letters, title of the document, name or title of the source of the document, date of publication, pages, volume and issue numbers, publisher, and city and/or country where published						
	Office action of CN application number CN20000118671, published as CN1278507, being a CN application corresponding to the present application, with the office action dated 2004.7.23 (in Chinese with English translation).						
	TORTA Research S.r.l. publication of "Remarks concerning the patentability of European patent application 00112459.3", dated December 2, 2002, being an EPO application published as EP1062833 and corresponding to the present application.						
Examiner Signature				Date Considered			
*Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.							